

CITY OF ANGELS
CITY COUNCIL
MINUTES

Tuesday, September 7, 2010

Council Members Present: Jack Lynch (Mayor), Jack Boeding, (Vice Mayor), Elaine Morris, Craig Turco and Rick Downey

Staff Present: Richard Matranga, Gary Ghio, Todd Fordahl, David Hanham and Mary Kelly

4:30 p.m. CALL TO ORDER

ADJOURN TO CLOSED SESSIONS:

CLOSED SESSION:

CONFERENCE WITH LABOR NEGOTIATORS PURSUANT TO California Government Code Section 54957.6: Fire MOU, Non-Exempt MOU and Exempt MOU – City Labor Negotiators – Council Members Downey and Turco

CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Exposure to litigation pursuant to subdivision (b) of Government Code Section 54959.9 (Three cases)

RECONVENE

6:00 p.m. REGULAR MEETING

ACTION TAKEN IN CLOSED SESSIONS

CONFERENCE WITH LABOR NEGOTIATORS PURSUANT TO California Government Code Section 54957.6: Fire MOU, Non-Exempt MOU and Exempt MOU – City Labor Negotiators – Council Members Downey and Turco

Council Action: Direction given to negotiators.

Direction: Item to be agendized for September 21st Council meeting

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Exposure to litigation pursuant to subdivision (b) of Government Code Section 54959.9 (Three cases)

Council Action: Direction given to City Attorney

APPROVAL OF AGENDA

Agenda was approved by consensus

STAFF UPDATES

Dave Hanham – Planning Director

- Reviewed staff report included in packet.
- A meeting will be held on the Wagon Trail on September 9th from 6:00-8:00 at BHHS.

Todd Fordahl – Interim Police Chief

- Updated his staff report included in packet.
- Both K9 Officers passed certification.
- Grand Jury taking a tour of the Police Department on the 14th.

Greg Petersen – Deputy Fire Chief

- Fire personnel had a guided tour of the Utica Hotel project.

Mayor Lynch reported the City Administrator was at a memorial in Alaska for 2 police officers.

COUNCIL UPDATES

Council Member Morris

- Attended UPA, Safety Services and CCOG. The CCOG showed a presentation on the Wagon Train realignment.

Council Member Turco

- Ongoing MOU discussion with employees. Attended Safety Services and Personnel/Finance meetings.

Council Member Boeding

- Attended LLD and Personnel/Finance meetings.

Council Member Downey

- Apologized to Council and CCOG personnel for missing the CCOG meeting on the 1st.

PUBLIC COMMENT

Bob Menary – ACBA president

Reported on upcoming activities sponsored by ACBA including.

Tim McSorley – CCOG Executive Director

Reported their will be a town hall meeting at Ironstone Vineyards with the California Transportation Commission on October 13th from 8:30-12:00. There will also be a reception the evening before at the Murphys Hotel beginning at 6:30. The Mayor has been invited to make a presentation regarding the City.

Steve Difu – 576 Sasa

Asked what the status is on the Bypass signs to be provided by Caltrans. The Planning Director informed him the signs are up.

John Broeder – 1860 Finnegan lane

Thanked City staff for information provided to the residents on Finnegan Lane regarding the odor.

CONSENT AGENDA

MOTION by Council Member Turco, seconded by Council Member Morris and carried 5-0 ADOPTING THE CONSENT AGENDA AS PRESENTED:

- a. Minutes of Regular meeting –August 17, 2010

REGULAR AGENDA

1. BRET HARTE HIGH SCHOOL HOMECOMING PARADE

MOTION by Council Member Boeding, seconded by Council Member Downey and carried 5-0 ADOPTING RESOLUTION NO. 10-27. A RESOLUTION APPROVING THE BRET HARTE HIGH SCHOOL HOMECOMING PARADE ON SEPTEMBER 24, 2010

2. WATER TREATMENT PLANT PROJECT – CHANGE ORDER REQUEST

MOTION by Council Member Downey, seconded by Council Member Boeding and carried 5-0 APPROVING THE CHANGE ORDER FOR PRIORITY PROJECTS (Attachment ‘A’) AT THE WATER TREATMENT PLANT, AS RECOMMENDED BY THE INFRASTRUCTURE/FACILITIES COMMITTEE

3. CALAVERAS COUNCIL OF GOVERNMENTS(CCOG) JOINT POWERS AGREEMENT

Council Member Morris, City representative on the CCOG board, read into the record her comments (Attachment ‘B’) on the draft JPA and Organization & Procedures Manual drafted by Calaveras County. She favored a 5 member board, 2 elected members of the City Council, 2 elected members of the Board of Supervisors and 1 public member appointed by these agencies. She also suggested the City

Planning Director and Engineer be participants in the CCOG TAC committee. Council Member Downey, also a representative on the CCOG board stated he could not make a valid decision on the wording of the County's draft JPA until the City Attorney reviews. He said he agreed with Council

Member Morris' suggestion of a 5 member board and felt the public member should be appointed on a rotation basis. He also asked that TAC minutes be provided. He said his biggest concern with the CCOG is that it appears they have gone beyond transportation planning into land use planning. He recommended the language on the draft JPA be reviewed by the City Attorney. Council Members Turco, Boeding and Lynch also agreed with a five member board.

Tim McSorley, Executive Director of the CCOG informed the Council that the CCOG has never been involved with land use planning and has no interest in making land use planning decisions. The final process always goes to the City Council or Board of Supervisors. He felt that some of the information the City has received regarding land use activities by the CCOG is not quite accurate. He said there is a link between land use and transportation planning and land use decisions and transportation needs. He stated there needs to be a thorough analysis based on facts. Jon Ellis, CCOG Chair said he felt the planning issue was a 'red herring'. He also said having only 1 public member gives that member more power. He asked the Council to consider and educate themselves before making decision.

Tom Garcia, Calaveras Public Works Director, explained that small items in the JPA needed revising. As the JPA was looked at, other issues arose with the main problem being the roles and responsibilities of the CCOG.

It was suggested that the City and Board of Supervisors sitting on the CCOG board meet and review the JPA together.

MOTION by Council Member Downey, seconded by Council Member Turco and carried 5-0
DIRECTING CITY REPRESENTATIVES DOWNEY AND MORRIS TO MEET WITH BOARD OF SUPERVISORS CCOG REPRESENTATIVES AND REVIEW THE JPA, AND PROVIDE A PROPOSAL/REVISION OF THE CCOG JPA TO EACH RESPECTIVE BOARD FOR APPROVAL
Direction: Council Member Downey to contact BOS representatives and schedule JPA review meeting.

4. **RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF ANGELS AND THE DEPARTMENT OF FORESTRY & FIRE PROTECTION**

MOTION by Council Member Boeding, seconded by Council Member Morris and carried 5-0,
ADOPTING RESOLUTION NO. 10-28. A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF ANGELS AND THE DEPARTMENT OF FORESTRY & FIRE PROTECTION FOR THE VOLUNTEER FIRE ASSISTANCE PROGRAM OF THE COOPERATIVE FORESTRY ASSISTANCE ACT OF 1978

5. **POLICE DISPATCH SERVICES AGREEMENT**

Interim Chief Fordahl provided a comparison between the agreement provided by Ripon and a revised County agreement. The Safety Services Committee has recommended accepting the Dispatch Services Agreement provided by the County. Council Member Downey stated that he was very disturbed for using Ripon to get to this point. He said it was not a good way to do business.

Steve Difu – 576 Sasa

Commended the City in working through this issue.

Pat Goodman – Mokelumne Hill

Spoke in favor of choosing Calaveras County as dispatch server.

Wrenae Rowe – 1002 Hillcrest

Spoke in favor of choosing Calaveras County as dispatch server.

Mayor Lynch stated that he absolutely objects to the County charging the City such a large amount for Dispatch services. The City gives mutual aid and support to the sheriff's department and the citizens of

the City pay their property taxes to the County just as the townships in the rest of the County. He said the City double-pays for dispatch services.

- a. MOTION by Council Member Turco, seconded by Council Member Morris and carried 5-0, RESCINDING ACTION TAKEN ON AUGUST 3, 2010 TO ENTER INTO AN AGREEMENT WITH THE CITY OF RIPON FOR SPECIAL SERVICES WHICH CONSIST OF POLICE DISPATCH SERVICES.
- b. MOTION by Council Member Turco, Seconded by Council Member Morris and carried 5-0 AUTHORIZING THE CITY OF ANGELS TO ENTER INTO A THREE (3) YEAR AGREEMENT (Attachment 'C') WITH THE COUNTY OF CALAVERAS FOR SPECIAL SERVICES WHICH CONSIST OF POLICE DISPATCH SERVICES AND AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A SPECIAL SERVICES CONTRACT WITH THE COUNTY OF CALAVERAS

6. **APPOINTMENT OF PUBLIC MEMBER TO THE LLD COMMITTEE**

MOTION by Council Member Turco, seconded by Council Member Boeding and carried 5-0 APPOINTING PAUL BACKOWSKI TO THE GREENHORN CREEK LIGHTING & LANDSCAPE DISTRICT TO COMPLETE THE 2010-2012 TERM OF ROY SPACKMAN

7. **SIDEWALK WAIVER FOR CAL-FIRE**

Planning Director Hanham explained the request from Cal-fire to pay an in-lieu payment for construction of curb, gutter and sidewalk at the current project site. This would save a large tree on the property and is the recommendation by staff. Council Member Turco questioned the amount of the in-lieu payment.

Direction: Staff to provide additional estimates for 69 feet of construction for curb, gutter and sidewalk.

Direction: Continue item to next Council meeting

8. **ENVIRONMENTAL DETERMINATION APPROVAL**

MOTION by Council Member Boeding, seconded by Council Member Downey and carried 5-0 ADOPTING RESOLUTION NO. 10-25. A RESOLUTION APPROVING THE ENVIRONMENTAL DETERMINATION PROVIDED BY SYCAMORE ENVIRONMENTAL FOR THE CONSTRUCTION OF SIDEWALKS ON STATE ROUTE 49 FUNDED WITH A TE GRANT

9. **TRAFFIC CIRCULATION AD HOC COMMITTEE**

MOTION by Council Member Downey, seconded by Council Member Morris and carried 5-0 APPROVING AN EXTENSION OF THE CITIZEN ADVISORY TRAFFIC CIRCULATION COMMITTEE FOR AN ADDITIONAL 3 YEARS. MEMBERSHIP TO BE LIMITED TO FIVE (5) MEMBERS

10. **ZONING ORDINANCE AMENDMENT**

MOTION by Council Member Boeding, seconded by Council Member Turco and carried 5-0 INTRODUCING ORDINANCE #448. AN ORDINANCE AMENDING TITLE 17, ZONING, CHAPTER 17.30 SC SUBURBAN COMMERCIAL DISTRICT, OF THE MUNICIPAL CODE: WAIVER READING AND SET PUBLIC HEARING FOR OCTOBER 19, 2010

MEETING ADJOURNED AT 8:45 P.M.

ATTEST:

Jack Lynch
Mayor

Mary Kelly
City Clerk